

AO 91 (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

State and

DISTRICT OF

New Mexico

FEB 25 2016

JH

UNITED STATES OF AMERICA

v.

MATTHEW J. DYKMAN

CLERK

Jesus Jose RODRIGUEZ-Giron

CRIMINAL COMPLAINT

CASE NUMBER:

16mj 687

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 25, 2015 in Bernalillo county, in the State and District of New Mexico defendant (s) did, (Track Statutory Language of Offense)

an alien, who had been previously arrested and deported from the United States and who had not received the consent of the appropriate authority of the United States to reapply for admission into the United States, was found in the United States, in the State and District of New Mexico, being willfully in the United States unlawfully

in violation of Title 8 United States Code, Section(s) 1326 (a)(1) & 1326 (a)(2)

I further state that I am a Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet and made a part hereof:

☐ Yes☒ No


Robert B. McLellan

Signature of Complainant

Sworn to before me and subscribed in my presence,

February 25, 2016

Date

Albuquerque, New Mexico

at

City and State



Signature of Judicial Officer

United States Magistrate Judge

Name & Title of Judicial Officer

AFFIDAVIT in support of Warrant for Arrest

I, Robert B. McLellan, being duly sworn, depose and state:

I am a Deportation Officer for U.S. Immigration and Customs Enforcement of the Department of Homeland Security. I have been employed by Immigration and Customs Enforcement for eight years.

This affidavit is authored in support of a complaint for a violation of Title 8 United States Code, Section(s) 1326(a)(1) & (2).

On or about December 25, 2015, Jesus Jose RODRIGUEZ-Giron, a citizen and national of Mexico was arrested and booked into the Bernalillo County Metropolitan Detention Center (MDC) located in Albuquerque, New Mexico under the name Jose RODRIGUEZ-Giron.

RODRIGUEZ-Giron 's Alien File indicates that he is a citizen and national of Mexico. The A-File contains a removal order issued by an Immigration Officer on July 1, 2014. The Enforce Alien Removal Module indicates that RODRIGUEZ-Giron was most recently removed from the United States to Mexico on or about July 28, 2014 through Del Rio, Texas.

The photograph archived by the MDC of, RODRIGUEZ-Giron on December 25, 2015 appears to match the photograph archived by the Department of Homeland Security's Enforce Alien Removal Module. The MDC booking sheet also contains an FBI number that is associated with, RODRIGUEZ-Giron.

Records checks indicate that RODRIGUEZ-Giron was, on July 07, 2014, convicted in the United States District Court, in the Western District of Texas, Pecos Division for the offense of Illegal Entry in violation of Title 8 United States Code 1325(a)(1) and was sentenced to One (1) year of Unsupervised probation.

There is no evidence in the Central Index System of RODRIGUEZ-Giron either applying for or receiving permission to re-enter the United States.

FURTHER AFFIANT SAYETH NAUGHT.

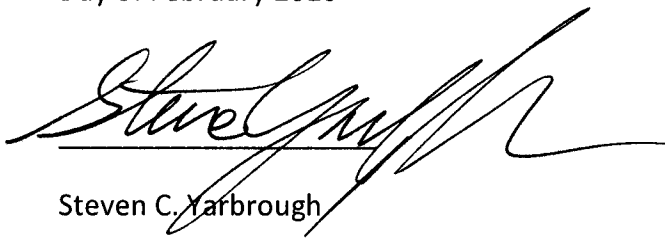


Robert B. McLellan
Deportation Officer
Albuquerque, NM

Subscribed and sworn to

Before me this 25th

Day of February 2016



Steven C. Yarbrough

United States Magistrate Judge

District of New Mexico

Albuquerque, New Mexico